

Title: CAP FOR CABLE CONDUIT
SN: 10/736,278
Attorney Docket No.2515.001

Examiner: Jinhee J. Lee
Art Unit: 2831

REMARKS

Applicant's attorney appreciates the time and courtesy that was extended by Examiner Lee during a telephone interview of April 21, 2005. The interview focused on the probe structure that is positioned between the passageways on the upper portion of the conduit cable cap. Probe 22 that is positioned between a plurality of passageways 16 is not shown or suggested by the prior art of record.

Claims 1 - 4, 7 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Weagant*, U.S. Patent No. 3,395,382. Claims 5, 6, 8, 10 and 11 stand rejected under 35 U.S.C. § 103(a) over *Weagant* in view of *Williams*, U.S. Patent No. 6,291,774. While it is believed that at least some of Claims 1 through 11 are allowable over the prior art of record, in view of the interview with Examiner Lee, Claims 1 through 11 are canceled, and Claims 12 through 21 are added hereby.

Claim 12 is directed to a cap for a cable conduit having a body. The body has a plurality of spaced apart passageways in an upper portion thereof, and an aperture formed through each of the passageways into which a cable is received. Referring to the drawing figures, the body or cap 10 has passageways 16, in which an aperture 18 is formed. Cable 6 is received within the aperture.

Claim 12 also requires a probe that extends upwardly from the body. The probe is positioned between the plurality of spaced apart passageways. The probe is required to extend above the plurality of spaced apart passageways. The probe is represented by

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reference number **22**. As can be seen in **Figure 1**, the probe is between the passageways **16**, and extends above the passageways.

Weagant shows a cap having a plurality of passageways **22**. However, *Weagant* does not teach a probe that extends upwardly from the body. *Weagant* does not teach a probe that is positioned between the plurality of passageways. *Weagant* does not teach a probe that extends above the spaced apart passageways.

Williams was previously cited as teaching a probe in **Figure 10** thereof. However, neither *Williams* nor *Weagant* teach a probe that is positioned between the plurality of spaced apart passageways. *Williams* is directed to a cover for an electrical power distribution device; in other words, *Williams* would completely cover the cap of the present invention in order to deter animals from perching on the cap. *Weagant* does not teach the use of an animal retardant structure. Accordingly, there is no suggestion or motivation found in *Williams* or *Weagant* to combine these devices to arrive at the invention of Claim 12. Claim 12 requires a probe that is positioned between the plurality of spaced apart passageways, with the probe extending above the plurality of spaced apart passageways. *Williams* teaches away from this invention of Claim 12, by completely covering the electrical power distribution device.

Claim 13 requires an aperture that is formed between the plurality of spaced apart passageways. A lower portion of the probe is positioned within the aperture. The aperture is shown by reference number **20** in the drawing figures. See **Figures 3 and 4**. This structure is neither taught nor suggested by *Williams* or *Weagant*.

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Claim 14 requires that the probe have a pointed upper end, and Claim 15 requires that the probe have an inverted cone shaped upper end. The pointed, or inverted cone shaped, upper end prevents animals, such as squirrels, from sitting on the cap and harming the cables.

Claims 16 through 18 are directed to vent structures for the cap. It is frequently desired for the cap to be vented. Claim 16 requires a probe that has a vent therein that communicates with an interior of the body. *Weagant* does not teach a probe having vents. The cover of *Williams* shows grooves 72 (column 8, line 60), but the grooves are not described as vents for the cover. *Williams* does not teach a vented probe that communicates with an interior of the cap body, keeping in mind that *Williams* teaches a complete cover for an electrical transmission device, and does not teach a cap for receiving cables that incorporates an animal retarding structure..

Claim 17 requires a vented probe, and further requires that the vent extend through an interior of the probe, and communicate with an interior of the body. See Specification at page 5, line 22, through page 6, line 2. Claim 18 further defines this structure.

Claim 19 requires that the vent is on the side of the probe. **Figure 6.**

Claim 20 requires that the probe comprise a wing that extends from a generally vertical side of the probe. The structure is shown in **Figure 6** and **Figure 7**. The wing further prevents an animal from perching on the passageways.

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Claim 21 requires that the body have an inverted frusto-conical shape. This inverted frusto-conical shape works with the probe to prevent an animal from perching between the passageways. The frusto-conical shape prevents the sides of the cap from having a flat surface upon which the animal can stand or grip. The probe prevents the animal from having a flat surface between the passageways upon which to perch.

New drawings are enclosed herewith. It is believed that the comments set forth in the Office Action regarding the claims have been obviated by the amendments to the claims. Drawing **Figure 6a** has been added hereto to show the interior of the vented probe that is shown in **Figure 6**.

As requested by the Office Action, the Specification is amended to add the brief description of drawing **Figures 6 and 7**, and the brief description for drawing **Figure 6a**, which is added hereby.

The Specification has been amended to use the word "aperture" rather than the words "void" or "opening." This change was suggested by the Examiner during the telephone interview.

It is respectfully submitted that the claim informalities as set forth in the Office Action are obviated by the claims amendments. It is also believed that the claim rejections under 35 U.S.C. § 112, second paragraph, have been obviated by the claims amendments.

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It is respectfully submitted that claims 12 through 21 are in condition for allowance.

Review and allowance at the earliest possible date is requested.

Respectfully submitted,



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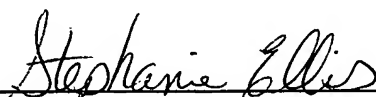
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CERTIFICATE OF MAILING

I hereby certify that this Response To Office Action Dated January 26, 2005, New Drawings, and Postcard are being deposited with the United States Postal Service with sufficient postage for first class mail affixed thereon, addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on this 26th day of April 2005.



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